

**TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS**

Zoning Board of Appeals meeting held on Thursday, January 17, 2008 at the Mildred L. Wakeley Recreation and Community Center, in Room #2, at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Theresa Ranciato-Viele, Secretary
Joseph Cappucci
Cheryl Juniewicz, Alternate, sitting for Anthony P. Pileggi
Robert E. Martin, Alternate
Mary Jane Mulligan, Alternate, sitting for Caren M. Genovese

MEMBERS ABSENT:

Anthony P. Pileggi, Vice Chairman
Caren M. Genovese

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator
Arthur Hausman, Zoning Enforcement Officer

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer
Sandi Lion, Clerk

AGENDA:

Mr. Hannon called the meeting to order at 7:32 PM. He introduced the members of the Board, the Town staff, the stenographer and clerk. Mr. Hannon explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur. A simple majority of three (3) to two (2) will not approve an application for an appeal or variance.

Mrs. Ranciato-Viele read the call for the first agenda item.

1. #08-20 Continuation of the application of Robert Melillo, Applicant and Owner, relative to 2015 Whitney Avenue, (Map 41, Lot 306) appealing the Cease and Desist Order of the Zoning Enforcement Officer, letter dated September 25, 2007, regarding unapproved use of 2015 Whitney Avenue. CN-20 Zoning District.

Mr. Cappucci moved to reopen the public hearing for application #08-20, 2015 Whitney Avenue; Mrs. Mulligan seconded the motion. All were in favor.

Mr. Hausman, Zoning Enforcement Officer, gave an overview of previous complaints and ongoing issues regarding this site.

The Commission asked questions and Mr. Hausman and Mr. Fredricksen, Land Use Administrator, responded.

Then, the Board reopened the application to the public.

Public comment:

1. Ed Homa, 7 Collette Street, has issues with cars being worked on in the street. He stated that the motor vehicle told him that this is a town issue. He asked the Board to look into who is the owner of this business.

Steve Rolnick, attorney for the applicant, and Robert Mellilo, owner, spoke on behalf of Melillo Motors.

Being no further questions, the matter was closed.

Mrs. Ranciato-Viele read the call for the second agenda item.

2. #08-22 Application of Vihane Sihabout, Applicant and Owner, relative to 2 Overbrook Road, (Map 37, Lot 67), per Section 2.1.1.9, requesting a variance of 5%, to permit a maximum building coverage of 30%, where 25% is allowed, and per Section 8.6.2.1 requesting a variance of 3 feet to permit a 6 foot fence in a front yard where a maximum of 3 feet is permitted. R-12 Zoning District.

William Robinson, contractor, presented the application to attach an existing house to an existing garage. The addition will have the same roofline as the existing building. The applicant also wants to add a 6' high stockade fence in the front of property and an 8'x10' shed in the rear yard. The Commission has safety concerns with the 6' high fence. The Board asked questions and Mr. Robinson responded.

Mr. Hannon asked for public comment; being none the matter was closed.

Mrs. Ranciato-Viele read the call for the third agenda item.

3. #08-23 Application of Primax Properties, LLC, Applicant, D'Errico Realty, LLC, Owner, relative to 343 Washington Avenue, (Map 85, Lot 11), per Section 5.1.2, requesting a variance of 24' to permit a 16' rear yard where 40' is required and requesting a variance of 15' to permit a 5' side yard where 20' is required. IL-30 Zoning District.

Attorney David Sherwood, presented the modified application for Advanced Autoparts. The proposed building will be 5,670 square feet and 20' in height. A 15' landscaped street buffer is now being proposed. The applicant will use a smaller delivery truck and the delivery traffic pattern was improved. The hardship is eliminating a nonconforming building. Mrs. Ranciato-Viele asked about parking and sidewalks. Mr. Attorney Sherwood stated that there are 24 proposed parking spaces and a sidewalk would be provided.

However, there should be 28 parking spaces and they will go before the Planning & Zoning Commission regarding this issue. Jim Cransten with Bohler Engineering answered further questions from the Board.

Mr. Hannon asked for public comment; being none, the matter was closed.

Mrs. Ranciato-Viele read the call for the fourth agenda item.

4. #08-24 Application of Andrew Ciaccio, Applicant, Stoney Island, LLC, Owner, relative to 92 State Street, (Map 58, Lot 108), per Section 4.4.2, requesting a variance of 5' to permit a 15' side yard where 20' is required. CB-40 Zoning District.

Mrs. Mulligan recused from the application and Mr. Martin sat in her place.

Christopher Bell, engineer, presented the application for a 5' side yard variance. He described the site and stated that the width and grade of the property are an issue. He would like to add a 6,000 square foot building that is 65' wide and 20' high, to display and store appliances. The slope of the property doesn't allow the building to be set further back from the street, and the option to angle the building would limit parking. The hardship is the slope and width of the lot. The two-way 20' driveway will have a 12 percent grade instead of 10 percent. The site will have 29 parking spaces. The Board asked questions and Mr. Bell responded.

Mr. Hannon asked for public comment.

Public comment:

1. Carol Rosadini, Hamden, owner of 90 State Street, a nonconforming building, spoke on behalf of family members. She stated that her family feels the building may impact future upgrades to her property and changes in grade and elevation could result in drainage issues that may prevent them from selling their property in the future.

Mr. Hannon read the letter from Carol Rosadini into the record as Exhibit A.

Chris Bell responded to the drainage concerns and stated that the new site will have a different grade so water will flow away from the 90 State Street site and into their storage system.

Being no further questions, the matter was closed.

BREAK: 8:56 - 9:05 PM

DELIBERATION SESSION:

1. #08-20 Continuation of the application of Robert Melillo, Applicant and Owner, relative to 2015 Whitney Avenue.

Mrs. Ranciato-Viele moved to uphold the Cease & Desist Order; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – nay Ranciato–Viele – nay Cappucci – nay Mulligan – nay Juniewicz - nay

Mrs. Ranciato moved to overturn the Cease and Desist Order; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – aye Ranciato–Viele – aye Cappucci – aye Mulligan – aye Juniewicz - aye

The Board stated the following:

1. There is no basis to uphold the Cease & Desist Order.
2. #08-22 Application of Vihane Sihabout, Applicant and Owner, relative to 2 Overbrook Road.

Mrs. Ranciato-Viele moved to approve the variance of 5% to permit a maximum building coverage of 30% instead of 25%.; Mrs. Mulligan seconded the motion. The Board voted as follows:

Hannon – aye Ranciato-Viele – aye Cappucci - aye Mulligan – aye Juniewicz – aye

The Board stated the following:

1. The request is reasonable.

Mrs. Ranciato-Viele moved to approve the variance of 3 feet to permit a 6 foot fence in the front yard; Mrs. Mulligan second the motion. The Board voted as follows:

Hannon – nay Ranciato-Viele – nay Cappucci - nay Mulligan – nay Juniewicz - nay

The Board stated the following reasons for denial:

1. There is no reason the proposed fence can't be in compliance with the regulations.
2. The proposed 6' fence is excessive and poses safety concerns.

3. #08-23 Application of Primax Properties, LLC, Applicant, D'Errico Realty, LLC, Owner, relative to 343 Washington Avenue.

Mr. Cappucci moved to approve the application; Mrs. Juniewicz seconded the motion. The Board voted as follows:

Hannon –aye Ranciato-Viele - aye Cappucci – aye Mulligan – aye Juniewicz - aye

The Board stated the following:

- 1) The request is reasonable.
- 2) The hardship is the shape of the lot.
4. #08-24 Application of Andrew Ciaccio, Applicant, Stoney Island, LLC,
Owner, relative to 92 State Street.

Mrs. Ranciato-Viele moved to approve the application; Mr. Martin seconded the motion. The Board voted as follows:

Hannon –nay Ranciato-Viele - nay Cappucci – aye Juniewicz - nay Martin - aye

The Board stated the following:

- 1) The neighbors' concerns are valid.
- 2) The new building can meet zoning requirements.

OTHER: None

CEASE AND DESIST ORDERS: None

CORRESPONDENCE: None

MINUTES:

December, 20, 2007

Mr. Cappucci moved to approve the minutes of December 20, 2007; Mrs. Ranciato -Viele seconded the motion; the Board members voted as follows:

Hannon – aye Ranciato-Viele – aye Cappucci – aye Mulligan – aye Juniewicz – aye

ADJOURN:

There being no further business, Mr. Cappucci moved to adjourn; Mr. Martin seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:34 PM.